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7 IN THE UNITED STATES DISTRICT COURT  
8  
FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 UNITED STATES OF AMERICA, ) NO. 2:91-CR-0154  
12 Plaintiff, )  
13 v. ) MOTION FOR BAIL REVIEW; ORDER  
14 ) SHORTENING TIME.  
15 WESLEY D. JONES, )  
16 Defendant. ) Date: October 1, 2009  
17 ) Time: 2:00 p.m.  
18 ) Judge: Hon. Kimberly J. Mueller

19 TO: **LAWRENCE G. BROWN, United States Attorney, and SAMUEL WONG,**  
**Assistant United States Attorney, Counsel for Plaintiff:**

20 **PLEASE TAKE NOTICE** that on October 1, 2009, or as soon thereafter  
21 as the matter may be called before the duty Magistrate Judge, Wesley D.  
22 Jones, will move for an order reviewing his detention pending  
23 completion of hearing on a petition to revoke his supervised release,  
24 and to permit his temporary release to permit him to visit his ailing  
mother in Stockton, CA.

25 This motion is based on this pleading, the files and records of  
26 this case and such other pertinent matter as may appear during the  
27 consideration of this motion.  
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## FACTS

Mr. Jones was sentenced in 1992 to prison for bank robbery. He entered onto supervised release in 2005. His history while on supervision is summarized in the petition to revoke supervised release now pending before the Honorable John A. Mendez. CR 89. As pertains to this motion, Mr. Jones initially appeared on this petition on July 1, 2009, following completion of a state parole revocation term imposed for use of a controlled substance. At that time the Federal Defender was appointed and Mr. Jones was detained.

On August 11, 2009, Judge Mendez ordered that a hearing on the petition be set for October 6, 2009. In response to inquiry, he requested that any request for consideration of release be heard initially by the duty magistrate. Undersigned counsel, through no fault of Mr. Jones', failed to make any such request before today.

The purpose of the request is to permit Mr. Jones to visit his mother, Doris Palmer, who resides in Stockton, CA and who has been ailing for some time. Mr. Jones is aware that if his supervision is revoked he faces several more months in custody, and is concerned that he may not get to see her again, if her health should fail.

Counsel for Plaintiff and the supervising probation officer have been advised of this motion. Thursday is a convenient day for the Probation Officer. Mr. Samuel Wong has not responded to counsel's inquiry as of this filing.

The probation officer has advised counsel that she opposes this motion. She further advised that, if granted, she would recommend a short day visit, rather than a release to a further hearing date.

## Legal Provisions

Federal Rule of Criminal Procedure 32.1(a)(6) provides:

**(6) Release or Detention.** The magistrate judge may release or detain the person under 18 U.S.C. § 3143(a) pending further proceedings. The burden of establishing that the person will not flee or pose a danger to any other person or to the community rests with the person.

Mr. Jones' violation conduct has centered on his on-going struggle with drug use. He has not committed acts of violence is not a danger to any individual, or to the community on that basis. To counsel's knowledge he has not failed to appear for hearings during earlier proceedings. Particularly, in 2007, the matter was continued several times while Mr. Jones was out of custody, and he appeared for sentencing. CR 70 - 76.

Mr. Jones will seek to address the court concerning the importance of the opportunity to visit his mother and concerning his intentions to fully abide by the terms of release, should the court grant it.

Dated: September 28, 2009

Respectfully submitted,

DANIEL J. BRODERICK  
Federal Defender

/s/ Jeffrey L. Staniels

JEFFREY L. STANIELS  
Assistant Federal Defender  
Attorney for Defendant  
WESLEY D. JONES

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## ORDER

The request for an order shortening time is hereby GRANTED. This motion shall be placed on the 2:00 p.m. Duty Calendar for October 1, 2009.

IT IS SO ORDERED.

By the Court,

DATED: September 28, 2009.

  
U.S. MAGISTRATE JUDGE